

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
February 15, 2006**

The Board of Directors of the Flood Control District of Maricopa County Arizona, convened in Formal Session at 9:00 a.m., February 15, 2006, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1, Andrew Kunasek, District 3, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Bruce White, County Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

MINUTES

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve the minutes of the meetings held November 16, 2005, December 5, 2005, and December 7, 2005.

PERSONNEL AGENDA

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve the Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

Bullard Wash Phase II [I-10 Basins] (Per Resolution FCD 2000R016A)

Item A004.001, 002, 003, 004, 005A, 005B [PDE]; Permanent Drainage Easement and Agreement for Flood Control Purposes from the Flood Control District of Maricopa County to the City of Avondale for the sum of \$1.00 (per IGA FCD 2003A011).

Reems Road Channel and Basin Project (Per Resolution 2002R014)

Item A022.005; A022.005B; A022.008; Permanent Channel Easement and Agreement for Flood Control Purposes from Maricopa County to the Flood Control District of Maricopa County for the sum of \$1.00.

75th Avenue Storm Drain/ Durango Regional Conveyance Corridor (Per Resolution 2002R012A)

Item A019.017, Settlement Agreement and Mutual Release of Claims between Flood Control District of Maricopa County and F-Star 7th Avenue, LLC, at no cost to either party.

Item A019.016-T2, Relocation Assistance Entitlements for Robinsons Motors in the amount of \$80,000.00.

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Item A019.016-T6, Relocation Assistance Entitlements for Cosme Sequoia Herrera, DBA Sunset Nursery in the amount of \$20,000.00.

DONATIONS

No donations were received at this time. (ADM1918)

WHITE TANKS FLOOD RETARDING STRUCTURE - NORTH INLET CHANNEL PROJECT

Item Summary. Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County to issue an Invitation for Bids for Contract FCD 2005C019, White Tanks Flood Retarding Structure #3 - North Inlet Channel Project #470. Award the contract to the most responsive and lowest responsible bidder, provided the bid does not exceed the engineer's estimate by 10%. (C6906041500)

REEMS ROAD CHANNEL AND BASIN PROJECT

Item Summary. Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County to issue an Invitation for Bids for Contract FCD 2005C018, Reems Road Channel and Basin Project #470. Award the contract to the most responsive and lowest responsible bidder, provided the bid does not exceed the engineer's estimate by 10%. (C6906059500)

BUCK FIRE RE-VEGETATION PROJECT

Item Summary. Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve a general agreement which identifies the district's role and responsibilities for the implementation of the Buck Fire Re-Vegetation Project.

Additional Information. The General Agreement FCD 2006G001, a Cooperative Agreement 18 01S03W, is between the Flood Control District of Maricopa County and the Arizona Game & Fish Department. The project will be located on federally-owned property managed by the Arizona Game and Fish Department (AGFD). The research site will be approximately 50-acres and contain varied research plots. The district will fund the planning, design, and monitoring of the project. The AGFD will provide the right of way and other in-kind contributions. (C6906060100)

RESOLUTION FOR DAM SAFETY PROGRAM

Item Summary. Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD 2005R018, Fiscal Year 2006-07 Dam Safety Program.

Additional Information. This Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to perform Dam Safety Program work inclusive of: Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation planning and pre-design as identified in Exhibit A of the resolution; to enter into negotiations for technical service contracts for planning and engineering contracts and to award those contracts. To negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of performing dam safety investigations and dam safety monitoring activities, and for the purpose of obtaining topographic, geologic, hydrographic, and environmental data for the Dam Safety Program work. This item is subject to

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the ratification and approval of the Board of Directors and subject to funding to be approved in the district's FY 2006-07 Budget. (C6906061600) (ADM1900)

**RESOLUTION FCD 2005R018
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
FISCAL YEAR 2006-07 DAM SAFETY PROGRAM**

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48 for the purpose of acquiring, constructing, maintaining, and operating flood control facilities to control waters of rivers and streams, and other surface waters to prevent the flooding of property and the endangering of lives of people; and, (C6906061600)

WHEREAS, the District operates and maintains 22 flood control dams, which provide highly beneficial flood protection for significant portions of Maricopa County; and,

WHEREAS, the District is mandated by state and federal law to comply with dam safety regulations and the District is the primary agency responsible for the safe and proper operation of its 22 flood control dams; and,

WHEREAS, the District has determined a need to fully continue and implement a Dam Safety Program inclusive of primary components of: Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation in order to meet the District's dam safety responsibilities; and,

WHEREAS, IGA FCD 2004A018 approved by the Board on May 4, 2005 (C-69-05-102-6-00) authorized the District to participate in the cooperative development and cost sharing of the City of Phoenix Dam Safety Program; and

WHEREAS, the District has identified the Dam Safety Program, with components of Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation to be continued or initiated during Fiscal Year 2006-07, as shown on Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to include funding in the amount of \$3,808,000 in the District's Fiscal Year 2006-07 Budget; negotiate technical service contracts for the Dam Safety Program work inclusive of: Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation contracts as shown on Exhibit "A", made a part hereof; and to award those contracts, subject to the ratification and approval of the Board of Directors; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of performing dam safety investigation and dam safety monitoring activities, and for the purpose of obtaining topographic, geologic, hydrographic, and environmental data for the Dam Safety Program work.

DATED this 15th day of February 2006

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A on file at the Flood Control District

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SETTLEMENT AGREEMENT WITH RAVEN ROCK CONSTRUCTION

Motion was made by Director Brock, seconded by Director Wilcox, and unanimously carried (5-0) to approve a settlement agreement regarding the Flood Control District of Maricopa County v. Raven Rock Construction, LLC, TRP, LLC, CV2003-020855, as discussed in Executive Session on August 8, 2005 and February 13, 2006. (This is addendum item FC-A1.) (ADM1900-004)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board